



## **HUD's New Faith-Based Regulations 24 CFR 5.109**

**Implementation of Executive Order 13559  
Fundamental Principles and Policymaking Criteria  
for Partnerships With Faith-Based  
and Other Neighborhood Organizations**

## **BACKGROUND**

- HUD regulations – 24 CFR 5.109
- Executive Order 13559, Fundamental Principles and Policymaking Criteria for Partnerships with Faith-based and Other Neighborhood Organizations was issued on November 17, 2010
- Amended, Executive Order 13279, Equal Protection of the Laws for Faith-Based and Community Organizations issued on December 12, 2003
- Final rule implementing E.O. 13559 was published in the Federal Register on April 4, 2016.

## **HUD's New Faith-Based Regulations HIGHLIGHTS**

- Provide new religious-liberty protections for beneficiaries and prospective beneficiaries of HUD programs and activities,
- New protections for the ability of religious providers to compete for government funds on the same basis as any other private organization,
- Discusses in the non-regulatory Guidance, that accompanies the new HUD rule, its new requirements for monitoring, enforcement, training and transparency,

3

## **HUD's New Faith-Based Regulations**

1. Require all decisions about Federal financial assistance to organizations to be free from political interference, or even the appearance of such interference, and be made on the basis of merit, not based on the religious character or affiliation, or lack thereof, of an organization.
2. Make clear that faith-based organizations are eligible to participate in HUD programs and activities on the same basis as any other organization.

4

## HUD's New Faith-Based Regulations (con't)

3. Replace the term “inherently religious activities” with the term “explicitly religious activities” in existing regulations as the basis for determining which activities cannot be supported with direct Federal financial assistance.
4. Distinguish between “direct” and “indirect” Federal financial assistance.
5. Make clear that all organizations that receive Federal financial assistance, whether directly or indirectly, are prohibited from discriminating against beneficiaries in providing services or carrying out activities with such assistance based on religion, a religious belief, a refusal to hold a religious belief, or a refusal to attend or participate in a religious practice,

5

## HUD's New Faith-Based Regulations (con't)

6. Make note that organizations that participate in programs only funded by indirect Federal financial assistance need not modify their program or activities to accommodate beneficiaries who choose to expend the indirect aid on those organizations' programs.
7. Require faith-based organizations that carry out programs or activities with direct Federal financial assistance from HUD to provide written notice of certain protections to beneficiaries and prospective beneficiaries.

6

## HUD's New Faith-Based Regulations (con't)

8. Requires that faith-based organizations participating in HUD-funded programs provide prospective beneficiaries with a written notice of certain protections available to them prior to enrolling the prospective beneficiaries or providing services to them. In the event of an emergency or exigent circumstances that make it impracticable to provide the written notice in advance, prospective beneficiaries may receive the notice at the earliest available opportunity. Current beneficiaries must receive the notice at the earliest available opportunity.

7

## HUD's New Faith-Based Regulations (con't)

9. If a beneficiary objects to the religious character of the organization, the organization must undertake reasonable efforts to identify and refer the beneficiary to an alternative provider to which the beneficiary has no such objection; and
10. A beneficiary or prospective beneficiary may report an organization's violation of these protections, including any denials of services or benefits by an organization, by contacting or filing a written complaint to HUD or the intermediary administering the program, if applicable.

8

## RESOURCES

### **E.O. 13559 Final Rule:**

<https://federalregister.gov/a/2016-07339>

### **HUD Guidance/Training Materials:**

[www.hud.gov/offices/fbci](http://www.hud.gov/offices/fbci)

### **Email us your questions:**

[PartnershipsGuidance@hud.gov](mailto:PartnershipsGuidance@hud.gov)

9



## THANK YOU!

**HUD Center for Faith-Based & Neighborhood Partnerships**

**451 7<sup>th</sup> Street, SW Room 10184**

**Washington, DC 20410**

**Office: 202-708-2404**

**Fax: 202-708-1160**

**Website: [www.hud.gov/offices/fbci](http://www.hud.gov/offices/fbci)**